

AMENDMENTS TO THE DRAWINGS:

The attached drawing sheet includes changes to Figure 1 and replaces the original sheet including this figure. Specifically, the legend "PRIOR ART" has been added to Figure 1.

Attachments: One (1) Replacement Sheet

One (1) Annotated Sheet Showing Changes

REMARKS

This communication is a full and timely response to the Office Action dated December 16, 2008. Claims 1-17 remain pending, claims 1-8 and 11-14 are rejected, claim 17 is allowed and claims 9, 10, 15 and 16 are objected to. By this communication, the Figure 1 of the drawings and claims 1-16 are amended. Support for the amended subject matter can be found, for example, in paragraph [0027] of the disclosure.

Applicant appreciates the Examiner's acknowledgement that claims 9, 10, 15, and 16 contain allowable subject matter and that claim 17 is allowed.

In numbered paragraph 1 on page 2 of the Office Action, the drawings are objected to for alleged lack of a "prior art" legend. Applicants respectfully traverse this rejection. However, in an effort to expedite prosecution, Figure 1 is amended to address the Examiner's concerns. Withdrawal of this objection is respectfully requested.

In the Office Action, Applicant's claims were variously rejected under the following grounds: On page 2, paragraph numbered 4 of the Office Action, claims 1-8 and 11-14 are rejected under 35 U.S.C. §102(a) for alleged anticipation by the applicant's admitted prior art ("AAPA"); on page 4, paragraph numbered 7 of the Office Action, claims 1-4 and 6-8 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Stevenson, Jr. (U.S. Patent No. 4,176,032); and on page 4, paragraph numbered 10 of the Office Action, claims 5 and 11-14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Stevenson in view of applicant's admitted prior art. Applicant respectfully traverses these rejections.

As discussed in the previous response, Figures 2-5 are directed to an insertion sensor electrode device that includes a probe holder 3 in which a probe 2 is installed. This device includes a safety adapter 25 positioned between a probe detector tube 2 and a protective sleeve 105. The safety adapter 25 is distinguished by collar 26 that is inward-oriented toward the symmetry access 30 of the insertion sensor electrode device. The collar 26 surrounds a hexagonal portion 19 of the probe header 10, and in particular, reaches over and preferably bears against a step 32 that lies between the hexagonal portion 19 and a part of the connective terminal 11 that protrudes from the portion 19. The collar 26 of the safety adapter 25 reaches into a recess of the probe 2, where the recess is established by a gap between the step 32 and the sleeve 17 of the plug 12. In this manner, the probe 2 is retained in its installed position in the probe protector tube.

Applicant's claims broadly encompass the aforementioned features. For example, independent claim 1 recites the following:

An insertion electrode device for installing a sensor probe in a container for a measuring medium, with the device comprising:

- a probe housing configured for attachment to a container;
- a probe protector tube to receive, hold, and guide a sensor probe;
- a safety adapter that is coupled to an end of the probe protector tube and over a portion of the probe header that protrudes from the end of the probe protector tube, the safety adapter having means for preventing bi-axial movement of the sensor probe, said means being configured to interact with the sensor probe by one of engaging a recess of the sensor probe or reach over a step of the sensor probe; and
- a coupling for electrical connections of the sensor probe, wherein the probe housing has a protective sleeve configured for connection to the probe protector tube to protect the electrical coupling from mechanical stress and moisture,
- wherein the safety adapter is screwed onto the probe protector tube so that the means for preventing bi-axial movement of the sensor probe are over the portion of the probe header.

Neither the alleged *AAPA* nor *Stevenson* when applied individually or collectively disclose or suggest the combination of features recited in Applicant's claim 1. Namely, neither reference discloses a safety adapter that is coupled to an end of the probe protector tube and over a portion of the probe header that protrudes from the end of the probe protector tube, wherein the safety adapter is screwed onto the probe protector tube so that the means for preventing bi-axial movement of the sensor probe are over the portion of the probe header, as recited in claim 1.

AAPA discloses an insertion electrode device having a sensor probe assembly, a probe protector tube, and a protective sleeve. The probe is screwed into the probe protector tube via the mating of external and internal threads, respectively. The protective sleeve is attached to an external thread of the protector tube. *AAPA* does not disclose the a structure that is analogous to Applicant's claimed safety adapter, and most certainly does not disclose or suggest a component that is coupled to an end of the probe protector tube and over a portion of the probe header that protrudes from an end of the probe protector tube.

Stevenson discloses a sensor having a cylindrical casing and cylindrical cap along its length and a cap 27 formed on an end. This reference, however, does not disclose a safety adapter as recited in Applicant's claims.

In relation to both *AAPA* and *Stevenson*, the Examiner asserts that various threading which enable portions of the sensor housings to be coupled together, effectively function as a safety adapter. Applicant respectfully submits, however, that the described threading does not embody characteristics of Applicant's claimed safety adapter. Rather, the threading as disclosed by *AAPA* is used to couple a protector tube with a connector part and a protective sleeve and the connector part.

Stevenson discloses a sensor device that includes various threading portions. None of these threading portions, however, is analogous to Applicant's claimed safety adapter, nor is there any other feature of *Stevenson* that could reasonably be considered as being analogous to the claimed safety adapter. For one, none of the threading or brackets in the applied references is screwed onto the probe protector tube so that the means for preventing bi-axial movement of the sensor probe are over the portion of the probe header, as recited in claim 1. For at least these reasons, a *prima facie* case of anticipation or obviousness has not been established.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Moreover, to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys. V. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). For at least the foregoing reasons, withdrawal of this rejection is respectfully requested.

Conclusion

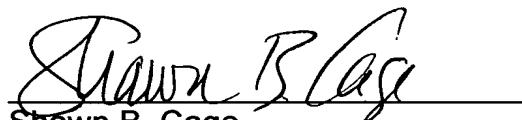
Based on the foregoing amendments and remarks, Applicants respectfully submit that claims 1-17 are allowable and this application is in condition for allowance. In the event any unresolved issues remain, the Examiner is invited to contact the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 13, 2009

By:

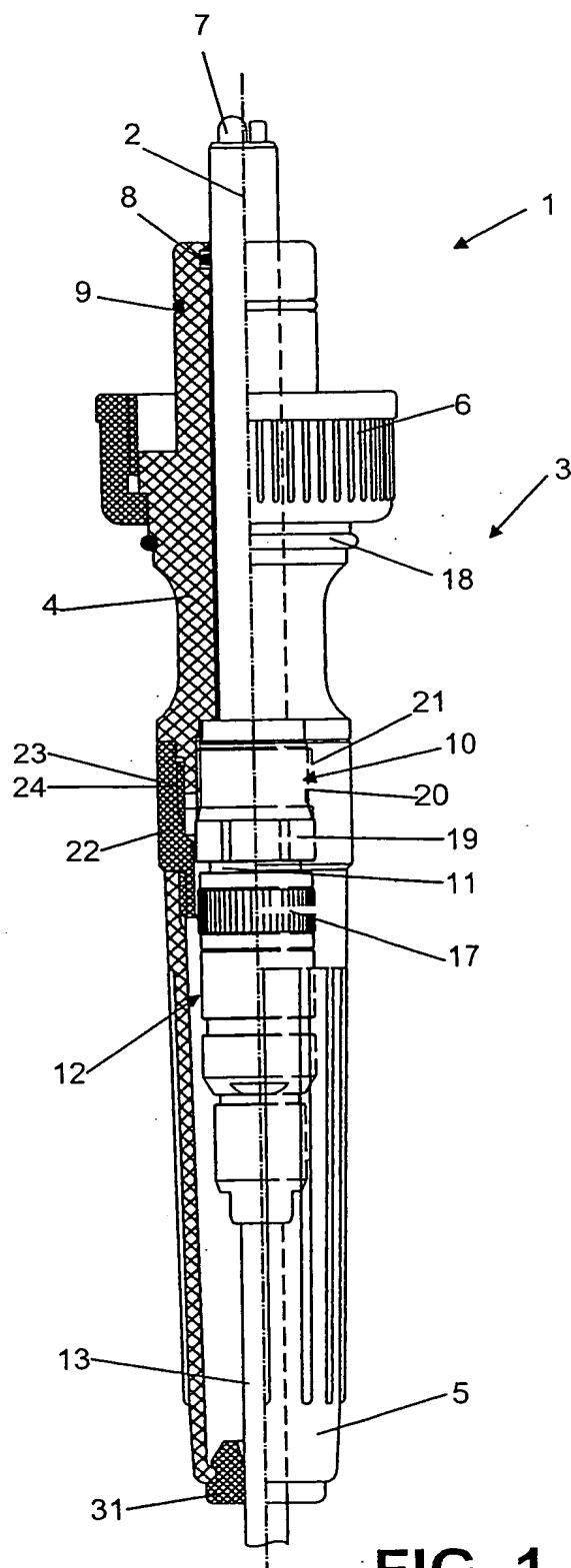


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 Title: Safety Device for a Insertion Electrode Device
 Inventor(s): Milanovic, Jelena
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Sheet 1 of 1



PRIOR ART

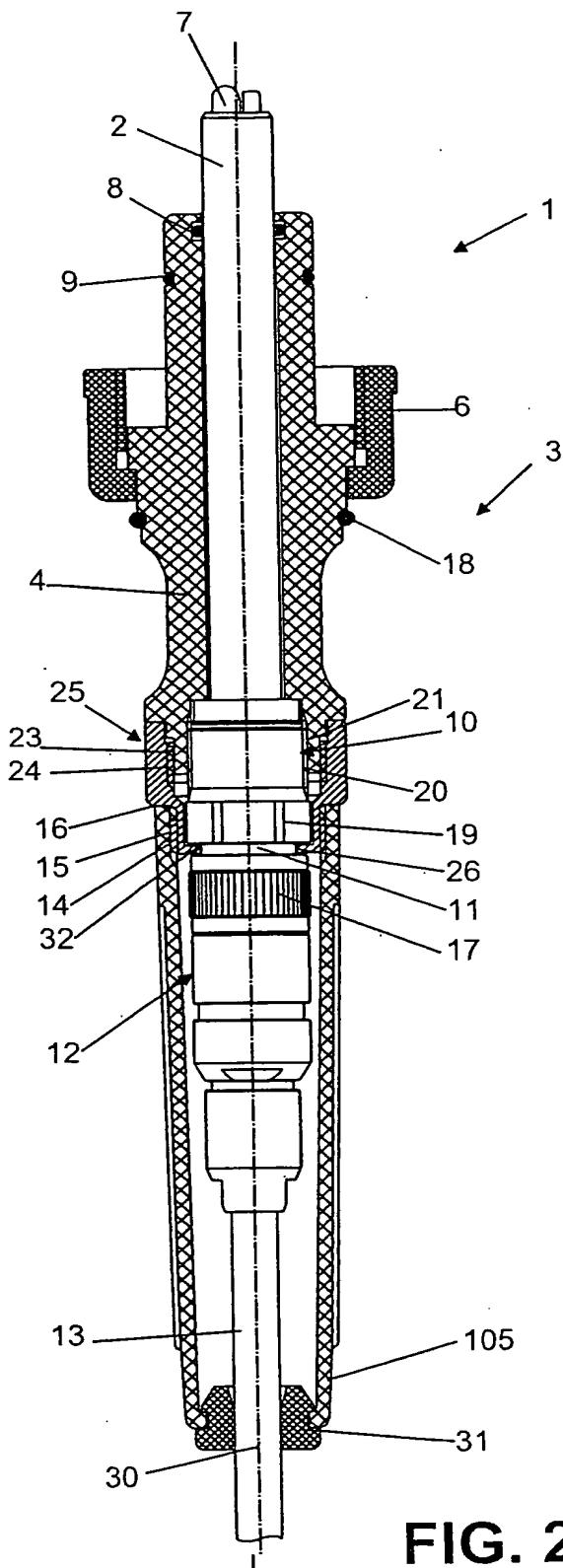


FIG. 2